

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF JOHN MCDERMOTT  
IN SUPPORT OF PLAINTIFFS'  
RESPONSES TO CITY OF SEATTLE'S  
MOTION FOR SPOILIATION

**Noting Date: November 15, 2022**

I John McDermott, declare as follows:

1. I am an owner of Car Tender, which was formerly located at the corner of 12<sup>th</sup> Ave. and Olive St. in Seattle.

2. This declaration relates to the Plaintiffs' response to the City of Seattle's Motion for Spoliation against Plaintiffs Hunters Capital, Richmark Label, Matthew Ploszaj, Car Tender, Bergman's Lock & Key, Wade Biller and Onyx Homeowner's Association (Dkt. No. 107).

3. I joined a Signal message group around June 2020, in order to receive

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1 updates of what was going on in the Capitol Hill neighborhood. I recall that there were many  
2 individuals in the group that were not identifiable by me.

3 4. I participated in the group mostly passively, and discontinued using the  
4 application in early January 2021. I used the Signal app messaging platform to be aware of  
5 activities of the protesters / activists in the Capitol Hill neighborhood, and so most, if not all of  
6 my messages were about protesters.

7 5. For example, I sent a message asking members of the community to provide  
8 witness accounts of the mob of protesters that attacked Car Tender and me on the night of June  
9 14, 2020, when the police refused to respond to four 9-1-1 calls that I made.

10 6. The mob of protesters wanted me to release a man who was caught burglarizing  
11 and setting fire to the Car Tender business. As a result of the threats of violence from the  
12 protesters, and the failure of the police to show up, I had to release the man who had damaged  
13 my business and attempted to burn it down.

14 7. After early January 1, 2021, I do not recall sending any messages using the Signal  
15 message app.

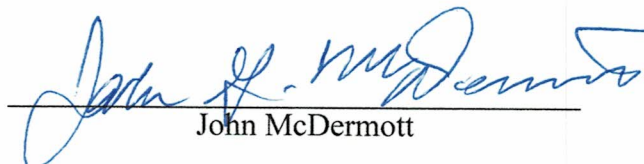
16 8. I do not recall sending any direct messages using the Signal messages app.

17 9. I did not activate the "disappearing messages" feature of Signal for any of the  
18 messages that I sent.

19 10. I have reviewed the Signal messages that were collected and I do not recall  
20 sending additional messages.

21 I declare under the penalty of perjury under the laws of the United States of America and  
22 the State of Washington that the foregoing is true and correct.

23 DATED this 24 day of October, 2022 at Seattle, Washington.

24  
25   
26 John McDermott

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